

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1027 OF 2006
IN
SUIT NO.910 OF 2005

Vijaykumar Lingaiah Kommannabaina ..Plaintiff
V/s.
Smt.Lilla Ammuttu Oganiya ..Defendant
And
Rakesh s/o Ramesh Oganiya ..Applicant.

Ms.Kalpana Waskar i/by Anil Mishra for plaintiff.
Mr.S.K.Sthalekar for applicant.

Coram : R.S.Mohite, J

Date : 10.10.2006.

PC

1. This is a Chamber summons taken out by the applicant who claims to be the heir of the defendant who, according to the affidavit in support of the Chamber summons, has expired on 20.8.2000 leaving behind the heirs contained in Schedule-II. The plaintiff who ought to have brought heirs of the defendant on record has not done so and has filed an affidavit in reply dated 2.5.2006 opposing the Chamber summons. In this view of the matter, Chamber summons is dismissed after making it clear that the plaintiff will be permitted to pursue his suit only after bringing the heirs of the defendant, if deceased, on record. Chamber summons stands disposed off.

(R.S.Mohite, J)